

# SPECIAL PARKING AREAS

## What is a Special Parking Area?

A Special Parking Area (SPA), as prescribed by Sections 63 to 77 of the Road Traffic Act 1991 (HMSO, 1991), is an area in which most non-compliant on-street parking acts have been decriminalised. Enforcement of most of the on-street parking regulations is then the sole responsibility of the Highway Authority rather than of the police. Non-compliance is treated as a civil offence rather than a criminal offence – non-payment of any penalties ultimately being pursued by debt-collection agencies rather than through the criminal courts.

## Background

The enforcement of on-street parking regulations was the sole responsibility of police officers prior to the introduction of traffic wardens in 1960. Although they are not confined solely to parking enforcement duties, the numbers of wardens deployed has diminished over the last thirty years, whilst the



Local authority parking attendant in Winchester.

## Government objectives

There were four main objectives behind the Government's introduction of decriminalised parking enforcement (Edwards, 1996). These were:

### *“Management of the conflicting demands on the limited highway capacity*

Growth in traffic levels and the limited scope for building new roads mean that traffic engineers have to make more efficient use of the urban network. In order to improve traffic flow, parking may have to be reduced on heavily used roads, especially in residential areas where some commuters prefer to park rather than use car parks, park & ride, or public transport.

### *Reducing pressure on police and traffic warden resources*

If there are some tasks that can be effectively undertaken by other agencies, it might be more appropriate to relieve the Police of responsibility for those functions.

### *The creation of effective local authority parking policies*

Guidance given to local authorities preparing TPP bids stresses the importance of demand management measures. These include the use of parking controls as a means of restricting traffic movements in towns. The decriminalised enforcement powers contained within the Road Traffic Act 1991 should enable local authorities to regulate parking more effectively. Many local authorities have decided not to introduce new parking restrictions because of doubts over whether they would be effectively enforced.

### *The need to increase accountability of local government*

Traffic authorities are responsible for introducing parking controls by order. They should be responsible, and answerable to the local community, for all aspects of such schemes.”

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(This Network Management Note is one of a series to be published.)

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level of traffic has increased significantly. One of the conclusions of a study by the Audit Commission (Audit Commission, 1992) into the effectiveness of the police traffic warden service was that *police authorities should ensure that decisions on the numbers of traffic wardens are related to the workload of meeting the service standard for parking enforcement and the substitutability of wardens for police officers*. In practice, police authorities have not been able to provide the level of enforcement resource required by traffic authorities, given that the police objective was to *maintain the free flow of traffic and reduce accidents* (Lester, 1994). As a result, the number of non-compliant parking acts has increased, which has, in turn, contributed to traffic congestion and lower average traffic speeds (Pickett, 1994).

Following representations from local authority associations and other bodies, the government embodied legislation within the Road Traffic Act 1991 (HMSO, 1991) to enable a highway authority to seek approval from the Secretary of State for Transport to introduce a Special Parking Area (SPA).

### Establishing a Special Parking Area

Special Parking Areas are established by a highway authority to enable local authority (or their agents) parking attendants to either issue Penalty Charge Notices (PCNs), authorise the fixing of wheel clamps or the removal of vehicles to a pound for most parking offences. There are a number of opportunities set down by the legislation for motorists to make representations against the receipt of a PCN etc. This, ultimately, includes using an independent Parking Appeals Service to adjudicate on the circumstances surrounding the issue of a PCN, clamping or removal of a vehicle.

### Funding

When established by Parliament it was envisaged that decriminalised parking enforcement in Special Parking Areas would generate sufficient income to cover its costs. Local authorities may retain all the income generated rather than

having to submit it to the Exchequer as occurs when fines are levied by the police traffic warden service. Any excess income generated can then be used for the improvement of public transport, minor road improvements etc, once the cost of enforcement has been recovered.

### Highway Authority actions when establishing a SPA

When seeking authorisation to introduce a SPA the highway authority is required to demonstrate that it has reviewed all parking regulations in its area. In practice, council and business tax payers, police and other interested parties need to be consulted on a council's plans. Many authorities also take the opportunity to introduce new parking regulations (including residents' permit schemes) and remove unnecessary regulations. The time required for this consultation process should not be under-estimated.

When developing a proposal to introduce a SPA the highway authority needs to consider whether enforcement should be undertaken with in-house staff or contracted out and whether some categories of non-compliant vehicle should be clamped or removed to a secure pound pending payment of a release fee and associated penalty charge.

### Research findings

TRL has monitored the introduction of five SPAs (LB of Hammersmith & Fulham, LB of Bexley, City of Westminster, District of Winchester and the City of Oxford) for the Department of the Environment, Transport and the Regions (Gray *et al.*, 1997), (Vance *et al.*, 1998), Vance *et al.*, 1999). A consistent set of results were derived from all the areas monitored. Some of the more significant findings are:

#### **Improved compliance**

Compliance with parking regulations (double and single yellow lines, permitted parking bays etc) improved in all those areas where parking attendants were deployed.

Wheel clamping operation in City of Westminster.





An example of parking prior to decriminalisation

#### ***Changes in parking behaviour***

Some longer term parkers were diverted from parking on–street into car parks. In the first year in Winchester there was a 3.9% increase in car park usage resulting in a 7.9% increase in car park income. As a result some shorter term parkers (< one hour) subsequently parked on–street rather than in car parks.

This change in parking behaviour increased some motorist’s difficulty in finding a vacant car park space, increased the use of Park & Ride services and increased turnover of on–street parking spaces which could be beneficial to local traders.

#### ***Effect on journey purpose and journey frequency***

Neither journey purpose nor journey frequency changed markedly as a result of the change in enforcement.

#### ***Public reaction***

The transfer of responsibility for enforcement to local authorities went ahead without too much public opposition. A sympathetic enforcement with a *firm and fair* approach was accepted by most motorists.

Motorists’ perception was that enforcement was greater than reality. This in itself acts as a deterrent to non–compliant parking.

#### ***Adjudication***

Of the 3.7m Penalty Charge Notices issued in London in 1997/98, 0.9% resulted in a motorist taking his/her case to the Parking Appeals Service operated by the Transport Committee for London (TCfL, 1998). Of the appeals 26% were personal appeals and 74% were dealt with by post. Fifty seven percent of appeals were allowed and 47% were refused.

During the same period TCfL’s Parking Appeals Service undertook adjudication for Winchester, Oxford, High Wycombe, Maidstone and Watford. There were 405 appeals of which 60% were allowed and 40% refused.

#### ***Improved traffic flows***

It was reported by a number of the highway authorities that traffic flows have increased following the introduction of a SPA. The City Council reported that traffic flows increased in Winchester and there was less obstruction on arterial roads.

#### ***More Penalty Notices issued***

The deployment of increased numbers of parking attendants resulted in the issue of more penalty notices. This was partly because traffic wardens have discretion over whether to issue a penalty notice or not, whereas parking attendants have no such discretion. Representations to a council officer will enable each appeal to be judged on its merits and accepted or rejected as felt appropriate.

#### ***Increased income***

More penalty notices were issued in each of the areas following the introduction of a SPA. This, in turn, resulted in increased levels of income over what the police had recovered prior to the introduction of the SPA.

One issue of concern to some highway authorities relates to the fact that a highway authority will not be able to benefit from all the extra car park income generated as this will be retained by the car park operator and not by the highway authority.

#### ***Introduction costs greater than anticipated***

The cost of introducing a SPA usually exceeded the original estimate. However, any excess costs were recovered within two years of the SPA’s introduction.

#### **The future**

Each London Borough was required to introduce a SPA by 4 July 1994. On the 15 April 2000, 20 SPAs had been introduced outside London, (see below).

Winchester	Gravesham
Oxford	Thanet
High Wycombe	Canterbury
Maidstone	Swale
Watford	Sevenoaks
Luton	Tunbridge Wells
Manchester	Sefton
Portsmouth	Bristol
Hastings	Shepway
Medway	Sandwell



Contracted parking attendant in City of Westminster.

Some Chief Constables have now given notice that they will be withdrawing their Traffic Wardens from the enforcement of parking regulations. The local authorities concerned will now need to introduce a SPA if they wish to ensure that motorists comply with the parking regulations in their areas. There is concern amongst some of the local authorities that the cost of enforcement will exceed penalty notice income.

### Increased parking enforcement

It is probable that highway authorities will wish to see the introduction of increased parking enforcement as the pressure for on-street parking spaces, improved traffic flows etc increases. They will probably need to introduce a SPA in order to achieve this.

This pressure will be increased further, for instance, if Workplace Parking Charges are introduced. It is possible that some motorists might not stop using their vehicles for the whole journey to work – preferring instead to drive part of the way to a convenient point from where they could walk, cycle or use public transport for the final leg of their journey. This might well increase the incidence of on-street or non-compliant parking to the detriment of local residents and traders. It is clear that the police will not be able to provide extra resources and that ultimately highway authorities will have to introduce a SPA as a means of undertaking enforcement themselves. An added benefit of introducing an SPA could include the generation of penalty income which can then be used for the provision of walking and cycling facilities as well as the improvement of public transport etc.

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Published as a supplement to *H&T* May 2000 ©2000, IHT, 6 Endsleigh Street, London WC1H 0DZ Registered Charity No 267321

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